



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OCT - 2 1996

OFFICE OF  
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

IN REPLY REFER TO:

Paula Forbis  
Environmental Health Coalition  
1717 Kettner Blvd., Suite 100  
San Diego, CA 92101

EPA FILE NO.  
2R-96-R9

Thomas Mauriello  
Law Office of Thomas Mauriello  
550 "B" Street, Suite 385  
San Diego, CA 92101

Dear Ms. Forbis and Mr. Mauriello:

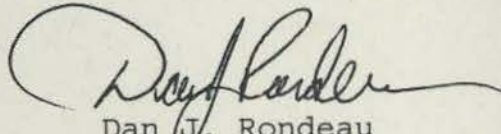
This is in response to the above-referenced complaint filed with this Office and dated August 30, 1996, concerning issuance of Rule 1210 by the San Diego Air Pollution Control Board. Generally, the complaint relies on allegations that Rule 1210 (Toxic Air Contaminant Public Health Risks - Public Notification and Risk Reduction) violates California law, specifically the California Air Toxics "Hot Spots" Act (Cal. Health and Safety Code § 44300 et seq.). The complaint further states that you filed a lawsuit in San Diego Superior Court on August 7, 1996, based on these same violations of state law (EHC v. County of San Diego, et al., Case No. 702568).

Standard administrative practice is not to process administrative complaints that are in active litigation. The complaint relies on interpretations of state law at issue in the lawsuit which have not been decided by the state court. Moreover, a court decision in the lawsuit may be dispositive as to the administrative complaint. Accordingly, inasmuch as you

have elected to pursue a remedy through the filing of a lawsuit,  
we cannot accept your complaint for investigation.

If you have any questions, please contact Mike Mattheisen on  
my staff at the above address or by phone at 202-260-4587.

Sincerely,

  
Dan J. Rondeau  
Director

cc: Mary O'Lone, Office of General Counsel  
(2378)

Arline Hultsch  
Assistant Clerk  
9150 Chesapeake Drive  
San Diego, CA 92123  
San Diego Air Pollution Control Board

Felicia Marcus, Regional Administrator  
EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

P 485 983 001

US Postal Service

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PS Form 3800, April 1995